

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
Petition by the United States Department of)	CC Dkt. No. 92-105
Transportation for Assignment of an)	NSD File No. L-99-24
Abbreviated Dialing Code (N11) to Access)	
Intelligent Transportation System (ITS))	
<u>Services Nationwide</u>)	

**SUPPLEMENTAL REPLY COMMENTS OF THE
UNITED STATES DEPARTMENT OF TRANSPORTATION**

Introduction

The Federal Communications Commission (“FCC” or “Commission”) in this proceeding has assigned the abbreviated dialing code of 511 to advanced travel information systems (“ATIS”), a component of the Intelligent Transportation System (“ITS”) program of the United States Department of Transportation (“DOT” or “Department”). *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No 92-105, Third Report and Order and Order on Reconsideration, FCC 00-256, 15 FCC Rcd 16753 (2000) (“Order”). Now pending are renewed petitions for reconsideration and/or clarification of that decision.

These petitions raise many of the same issues posed in initial petitions filed almost four years ago. The Department has already addressed such issues in its original response to those petitions and in other pleadings.¹ Rather than repeat those comments,

¹/ See Comments of the U.S. Department of Transportation on Petitions for Reconsideration, filed April 12, 2001; *also*, Reply Comments of DOT, filed August 20, 1999.

DOT will only summarize pertinent points, incorporate the remainder by reference, and respond in more detail only to new matters. In brief, the Department supports the Commission's prior decision in all major respects.²

Discussion

The current submissions, like much of the previous opposition to this Order, originate with wireless (cellular) telephone carriers and their trade association. Most of the present day commenters seem interested not so much in reversing that decision but in modifying it to make compliance more efficient. They primarily contend that because their networks operate without regard to political jurisdictions, specific guidance is necessary with respect to the routing of calls and the identification of government entities qualified to access 511. *See* Supplemental Comments of Nextel Communications, Inc.; SBC Response; Comments of CTIA – The Wireless Association.³

The Department respectfully disagrees with these views. We urge the wireless industry to continue the work it has well begun in implementing access to ATIS through 511. The extent of deployment and use of 511 in what is still very much its early stages provides a roadmap for future expansion. Concerns related to network and political boundaries have proven overstated, and they continue to be resolved in practice.

^{2/} DOT hereby moves the Commission for leave to file the instant pleading. We were unable to complete our review of the renewed petitions and coordinate a response within the time allotted, but this submission is only two business days late, the Department's continued input would contribute to a complete record, and no party will be prejudiced thereby.

^{3/} CTIA also notes the FCC's scheduled reassessment of the 511 allocation next year and suggests that data be collected. Comments at 6-7. DOT, too, looks forward to that proceeding. We are confident that the record ultimately compiled will strongly support the wisdom of the original allocation.

DOT remains convinced that a single abbreviated telephone dialing code nationwide is necessary to promote increased use and expand the benefits of consistent, accurate travel-related information such as traffic congestion, accident locations, roadway conditions, weather, and so forth. Insofar as the ultimate responsibility for safe and efficient transportation rests with government, it is only appropriate that the 511 code be allocated thereto.

At the same time, the variety of government structures, relationships, and authorities, combined with the flow of travel across jurisdictional lines, have always required flexibility and coordination in the field of transportation. The common goal of promoting safe and efficient transport has consistently led public and private sector entities to cooperate for the benefit of the traveling public, and 511 access to ATIS is no exception.⁴ These circumstances continue to require the flexibility shown by the FCC in its original Order.

The joint comments of Verizon Wireless and Sprint PCS, however, continue to oppose the basic allocation itself, as well as other aspects of the decision. They argue that the allocation of 511 to government creates a monopoly stifling competition and innovation, impeding deployment, and producing information of uncertain quality.⁵ But that is not truly the case.

⁴/ The 511 Deployment Coalition is a national organization established to promote the implementation of 511 services. The Coalition consists of DOT, the American Association of State Highway and Transportation Officials, the American Public Transportation Association, and ITS America. It has developed “Implementation and Operational Guidelines” to provide assistance and consistency in addressing technical and other implementation issues. These “Guidelines” have proven valuable to parties around the country, and they are available at: http://www.deploy511.org/guidelinesv2_intro.htm.

⁵/ They also contend that the Commission’s decision violates the Administrative Procedure Act and the Regulatory Flexibility Act.

Communication of a core set of travel-related data is a hallmark of ATIS. It will ensure broad public recognition and use of this resource. Yet DOT has always urged that wireless telephone carriers and others, in both public and private sectors, should be free to augment such core ATIS data accessible via 511 with other information and services. Outside of access via 511, of course, there is no federal restraint on travel services or information offerings or the medium chosen.⁶ There is simply no government monopoly over these matters in any meaningful sense.

Nor is there any basis to conclude, with or without regard to the entities to whom 511 is allocated, that implementation has been sluggish. Verizon and Sprint PCS belittle 511 services for supposedly being available to “only” 22 percent of the American public and generating “less than one million calls” nationwide in a recent month. Comments of Verizon Wireless and Sprint PCS at 3. The reality is that the progress of 511 deployment has been most impressive.⁷

Federal funds for planning ATIS implementation via 511 have been distributed to forty-five states and the District of Columbia. The first 511 system began operations just less than one year after the FCC’s order (in the Cincinnati, Ohio area). Access to 511 is now available to some 25 percent of the national population, and we anticipate reaching

^{6/} Verizon, but not Sprint PCS or any other wireless carrier, complains that allocating 511 to government has caused it to terminate its own travel-related information services. Yet the Washington, D.C. area in which Verizon’s service existed does not yet enjoy 511 access. It would appear that other factors led to this decision of Verizon’s.

^{7/} The data presented below are contained in the most recent 511 “National Progress Report”, which was released in May of 2004 and is available from <http://www.deploy511.org>. More comprehensive information on 511 implementation is contained in this and other websites, such as <http://www.its.dot.gov/511>; <http://www.itsa.org/511>, and the links found therein.

one-half some time next year. As of May of 2004, 511 services were operational in all or parts of twenty-three states, including metropolitan areas and major travel corridors. Monthly call volumes now regularly exceed one million, with much higher usage in particular circumstances. All this in the space of approximately three years.

Finally, the suggestion that current 511 operations dispense information of inconsistent quality or content is something of an exaggeration.⁸ It is true that the reality of myriad governmental structures, resources, priorities, etc. means that different data are collected in different parts of the country. Some are in fact updated more frequently or are more complete than others. Parties should recognize, however, that all major stakeholders know that consistent, accurate information is important to the reliability -- and therefore the success -- of 511, and they continue to make concerted efforts toward that end.⁹

Conclusion

The Commission should reaffirm its initial Order assigning 511 as an abbreviated telephone access code to ATIS. The central role of government in transportation and the public interest purposes at issue both support this allocation. The decision also affords an appropriate degree of flexibility for interested parties in the public and private sectors to resolve practical, technical, and financial concerns -- as they consistently have done since

⁸/ Comments of Verizon Wireless and Sprint PCS at 4.

⁹/ See, e.g., the 511 Deployment Coalition "Guidelines."

the Commission issued its Order. Much progress has been made in a relatively short amount of time, and the Department will continue to offer support and guidance as 511 expands nationwide.

Respectfully submitted,

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November 23, 2004